

SENATE BILL No. 196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2-24.5.

Synopsis: Residency status of prisoners. Provides that a person in charge of a jail, prison, correctional facility, or other place of detention (person) shall attempt to determine the legal residency status of a prisoner. Requires the person to contact Immigration and Customs Enforcement of the United States Department of Homeland Security (DHS) to make a residency status query under certain circumstances. Provides that if DHS requests to interview a prisoner regarding the prisoner's residency status, the jail, prison, correctional facility, or other place of detention shall accommodate the request. Provides that if DHS notifies a person that a prisoner is the subject of a detainer or administrative warrant, the following must occur: (1) The person shall petition a circuit or superior court regarding the detainer or warrant. (2) The circuit or superior court shall order the prisoner to be detained for 48 hours if the prisoner is the subject of the detainer or warrant.

Effective: July 1, 2020.

Koch

January 6, 2020, read first time and referred to Committee on Homeland Security and Transportation.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 196

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-11-2-24.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 24.5. (a) A person who has charge**
4 **of a jail, prison, correctional facility, or other place of detention**
5 **shall attempt to determine if a prisoner is a legal resident or citizen**
6 **of the United States:**
7 (1) **by an inquiry of the prisoner;**
8 (2) **by examination of any relevant documents; or**
9 (3) **by both an inquiry of the prisoner and examination of the**
10 **documents.**
11 (b) **If the person in charge of a jail, prison, correctional facility,**
12 **or other place of detention is unable to determine whether a**
13 **prisoner is a legal resident or citizen of the United States, the**
14 **person shall:**
15 (1) **make a query of Immigration and Customs Enforcement**
16 **of the United States Department of Homeland Security**
17 **regarding the prisoner's status as a legal resident of the**



1 **United States; and**

2 **(2) inform the United States Department of Homeland**
3 **Security of the prisoner's confinement status.**

4 **(c) If a prisoner has not been lawfully admitted to the United**
5 **States, the query described in subsection (b) shall serve as a notice**
6 **to the United States Department of Homeland Security of the**
7 **prisoner's status and confinement.**

8 **(d) If the United States Department of Homeland Security**
9 **requests to interview a person in custody in a jail, prison,**
10 **correctional facility, or other place of detention regarding a**
11 **prisoner's legal residency status, the jail, prison, correctional**
12 **facility, or other place of detention shall accommodate the request**
13 **within twenty-four (24) hours of the time of the request.**

14 **(e) If the United States Department of Homeland Security**
15 **notifies a person in charge of a jail, prison, correctional facility, or**
16 **other place of detention that a detainer or administrative warrant**
17 **has been issued for a prisoner, the following must occur:**

18 **(1) Prior to the prisoner's release, the person in charge of the**
19 **jail, prison, correctional facility, or other place of detention**
20 **shall petition a circuit or superior court requesting a hearing**
21 **concerning the detainer or administrative warrant.**

22 **(2) The circuit or superior court described in subdivision (1)**
23 **shall issue an order directing the prisoner to be held in**
24 **custody for forty-eight (48) hours if the prisoner is the same**
25 **person who is the subject of the detainer or administrative**
26 **warrant.**

27 **(3) A prisoner held in custody under this subsection shall be**
28 **released if any of the following occur:**

29 **(A) Forty-eight (48) hours have passed since the circuit or**
30 **superior court's order under subdivision (2).**

31 **(B) Immigration and Customs Enforcement of the United**
32 **States Department of Homeland Security takes custody of**
33 **the prisoner.**

34 **(C) Immigration and Customs Enforcement of the United**
35 **States Department of Homeland Security rescinds the**
36 **detainer.**

37 **(f) A court may not deny bail or bond to a prisoner due to a**
38 **prisoner's legal residency status.**

